

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

House Engrossed
FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 89
HOUSE BILL 2084

AN ACT

AMENDING SECTION 12-136, ARIZONA REVISED STATUTES; RELATING TO TRIBAL
COURTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-136, Arizona Revised Statutes, is amended to
3 read:

4 12-136. Tribal courts; involuntary commitment orders;
5 recognition

6 A. Notwithstanding any law to the contrary, an involuntary
7 commitment order of an Arizona tribal court filed with the clerk of the
8 superior court shall be recognized and is enforceable by any court of
9 record in this state, subject to the same procedures, defenses and
10 proceedings for reopening, vacating or staying as a judgment of the
11 court. The Arizona supreme court may adopt rules regarding recognition of
12 tribal court involuntary commitment orders. The state, through the
13 attorney general, shall be given notice of the filing at the time the
14 commitment order is filed and shall have five days from receipt of the
15 written notice of the filing of the order to appear as a party and
16 respond. A patient committed to a ~~state~~ mental health treatment facility
17 under this section ~~shall be~~ IS subject to the jurisdiction of the state.

18 B. Decisions regarding discharge or release of a patient committed
19 pursuant to subsection A OF THIS SECTION shall be made by the facility
20 providing involuntary treatment. Ten days ~~prior to~~ BEFORE discharge or
21 release, the ~~state~~ mental health treatment facility shall notify the
22 tribal court ~~which~~ THAT issued the involuntary commitment order of the
23 facility's intention to discharge or release a patient. Any necessary
24 outpatient follow-up and transportation of the patient to the jurisdiction
25 of the tribal court, within the time set forth in the notice, shall be
26 provided for in an intergovernmental agreement between the tribe and the
27 ~~department of health services~~ ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM.

28 C. A MENTAL HEALTH TREATMENT FACILITY MAY ADMIT A PATIENT FOR
29 INVOLUNTARY TREATMENT PENDING THE FILING OF A TRIBAL COURT'S INVOLUNTARY
30 COMMITMENT ORDER WITH THE CLERK OF THE SUPERIOR COURT PURSUANT TO
31 SUBSECTION A OF THIS SECTION. THE MENTAL HEALTH TREATMENT FACILITY MUST
32 DISCHARGE THE PATIENT IF THE TRIBAL COURT ORDER IS NOT FILED WITH THE
33 CLERK OF THE SUPERIOR COURT BY THE CLOSE OF BUSINESS ON THE NEXT DAY THAT
34 THE COURT IS OPEN AFTER THE ADMISSION OF THE PATIENT UNLESS THAT DAY IS A
35 TRIBAL HOLIDAY IN WHICH CASE THE TRIBAL COURT ORDER MUST BE FILED WITH THE
36 CLERK OF THE SUPERIOR COURT BY THE CLOSE OF BUSINESS ON THE FOLLOWING DAY.
37 IF THE PATIENT IS DISCHARGED PURSUANT TO THIS SUBSECTION, THE PATIENT
38 SHALL BE TRANSPORTED TO THE JURISDICTION OF THE TRIBAL COURT IN THE SAME
39 MANNER PROVIDED IN SUBSECTION B OF THIS SECTION.

APPROVED BY THE GOVERNOR MARCH 29, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2017.

Passed the House February 1, 20 17

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

[Signature]
Speaker of the House

☐ Pro Tempore

[Signature]
Chief Clerk of the House

Passed the Senate March 22, 20 17

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

23rd day of March, 20 17

at 3:31 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 29th day of

March, 2017

at 1:44 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 29 day of March, 20 17

at 4:59 o'clock P. M.

[Signature]
Secretary of State

H.B. 2084